

Meeting of Monday
March 13, 2017

**AGENDA
&
Meeting Notice**

The Arlington Redevelopment Board will meet Monday, March 13, 2017 at 7:30 PM in the Central School, 27 Maple Street/20 Academy Street, Main Room, Arlington, Massachusetts.

Time	Agenda Item	How
7:30 – 7:50 p.m.	<p>1. Public Hearing ARTICLE 6 ZONING BYLAW AMENDMENT/ MIXED USE IN BUSINESS AND INDUSTRIAL ZONES</p> <p>To see if the Town will vote to amend the Zoning Bylaw ARTICLE 6 SECTION 6 TABLE OF DIMENSIONAL AND DENSITY REGULATIONS for Mixed-Use development by reducing or removing the Minimum Lot area per Dwelling Unit Sq. Ft. requirement, or take any action related thereto.</p> <p>(Inserted at the request of the Redevelopment Board)</p>	<ul style="list-style-type: none">• <i>DPCD staff will provide a five (5) minute introductory presentation.</i>• <i>Board members may ask questions of staff.</i>• <i>Members of the public will be provided time to comment.</i>• <i>Board members may ask additional questions and vote.</i>
7:50 – 8:10 p.m.	<p>2. ARTICLE 7 ZONING BYLAW AMENDMENT/ DEFINITIONS ARTISANAL FABRICATION</p> <p>To see if the Town will vote to amend the Zoning Bylaw ARTICLE 2 DEFINITIONS for Artisanal Fabrication by increasing or removing the maximum square foot area requirement, or take any action related thereto.</p> <p>(Inserted at the request of the Redevelopment Board)</p>	<ul style="list-style-type: none">• <i>DPCD staff will provide a five (5) minute introductory presentation.</i>• <i>Board members may ask questions of staff.</i>• <i>Members of the public will be provided time to comment.</i>• <i>Board members may ask additional questions and vote.</i>

	Agenda Item	How
8:10 – 8:55 p.m.	<p>3. Public Hearing ARTICLE 8 ZONING BYLAW AMENDMENT/ RESIDENTIAL DRIVEWAY AND PARKING ACCOMODATION ZONING CHANGES</p> <p>To see if the Town will vote to amend the Zoning Bylaw to address design and construction of new residential driveways and parking accommodations by: amending ARTICLE 8 SECTION 8.07 PARKING IN RESIDENTIAL DISTRICTS to set the maximum allowable grade for driveways accessing below-grade garages for single, two-family, duplex, or three-family dwellings at 15 percent (15%) unless authorized by special permit; amending ARTICLE 8 SECTION 8.07 PARKING IN RESIDENTIAL DISTRICTS to require vegetated buffers; amending ARTICLE 8 SECTION 8.07 PARKING IN RESIDENTIAL DISTRICTS to allow for incentives for surface parking at newly-constructed single, two-family, duplex or three-family dwellings; amending ARTICLE 8 SECTION 8.01 OFF-STREET PARKING REQUIREMENTS to decrease the number of off-street parking spaces required per dwelling unit from two (2) to one (1) for all single, two-family, duplex, or three-family dwellings; amending ARTICLE 6 SECTION 6 TABLE OF DIMENSIONAL AND DENSITY REGULATIONS to consider changes to minimum setbacks; or take any action related thereto.</p> <p>(Inserted at the request of the Redevelopment Board)</p>	<ul style="list-style-type: none"> • <i>ARB Chairman, Andrew Bunnell, Steve McKenna, and Wynelle Evans representing the Residential Study Group will provide a ten (10) minute introductory presentation.</i> • <i>Board members may ask questions.</i> • <i>Members of the public will be provided time to comment.</i> • <i>Board members may ask additional questions and vote.</i>

	Agenda Item	How
8:55-9:40 p.m.	<p>4. Public Hearing ARTICLE 9 ZONING BYLAW AMENDMENT/MEDICAL MARIJUANA TREATMENT CENTER BUFFER ZONE</p> <p>To see if the Town will vote to amend the Zoning Bylaw to add a section 5.07 establishing a buffer zone for Medical Marijuana Treatment Centers ("MMTC", also known as Registered Marijuana Dispensaries "RMD"); prohibiting siting of such facilities within a radius of five hundred feet of a school, daycare center, or any facility in which children commonly congregate; the 500 foot distance under this section to be measured in a straight line from the nearest point of the facility in question to the nearest point of the proposed MMTC; and further defining for the purposes of this section a "facility in which children commonly congregate" to include: dance schools, gymnastic schools, technical schools, vocational schools, public and private K-12 schools, public libraries, facilities that offer tutoring or after school instruction, licensed daycare facilities (including private home daycare), pediatrics offices, parks that have play structures and athletic fields intended for use by children, accredited Headstart facilities, and commercial establishments that host children's parties; or take any action related thereto.</p> <p>(Inserted at the request of Karen E. Thomas-Alyea and ten registered voters)</p>	<ul style="list-style-type: none"> • <i>Proponent will be provided 7 minutes for an introductory presentation.</i> • <i>Board members may ask questions of proponent.</i> • <i>Members of the public will be provided time to comment.</i> • <i>Board members may ask additional questions and/ or vote.</i>

Agenda Item		How
9:40-10:25 p.m.	<p>5. Public Hearing ARTICLE 10 ZONING BYLAW AMENDMENT/R2 to R1 DESIGNATION</p> <p>To change the Zoning District in the Mount Gilboa Historic District from the current Zoning District of R2 to its former District of R1. The proposed area shall encompass the following streets: 2-133 Crescent Hill Avenue, 2-16 Park Place, 3-115 Westmoreland Avenue and 11-197 Westminster Avenue; or take any action related thereto.</p> <p>(Inserted at the request of Janice A. Weber and ten registered voters)</p>	<ul style="list-style-type: none"> • <i>Proponent will be provided 7 minutes for an introductory presentation.</i> • <i>Board members may ask questions of proponent.</i> • <i>Members of the public will be provided time to comment.</i> • <i>Board members may ask additional questions and/ or vote.</i>
10:25 p.m.	Adjourn	



**Town of Arlington
Redevelopment Board
730 Massachusetts Avenue
Arlington, MA 02476**

**Public Hearing
Zoning Bylaw Amendments**

In accordance with the provisions of the Town of Arlington, Massachusetts Zoning Bylaw and Massachusetts General Laws Chapter 40A, a public hearing will be held by the Arlington Redevelopment Board (ARB) on **Monday, March 13, 2017, at 7:30 P.M.** in the **Central School, 27 Maple Street/20 Academy Street, Main Room, Arlington, Massachusetts**. The ARB will hear public comments on the proposed amendments to the Zoning Bylaw beginning at 7:30 p.m. After receiving public comments, the ARB will make recommendations to the Town Meeting on each proposed amendment. The Zoning Bylaw amendments will be considered at Annual Town Meeting, which will begin Monday, April 24, 2017. The following Articles 6 through 10 propose changes to the Zoning Bylaw and are the subject of the public hearing:

ARTICLE 6

**ZONING BYLAW AMENDMENT/ MIXED USE
IN BUSINESS AND INDUSTRIAL ZONES**

To see if the Town will vote to amend the Zoning Bylaw ARTICLE 6 SECTION 6 TABLE OF DIMENSIONAL AND DENSITY REGULATIONS for Mixed-Use development by reducing or removing the Minimum Lot area per Dwelling Unit Sq. Ft. requirement, or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

ARTICLE 7

ZONING BYLAW AMENDMENT/ DEFINITIONS ARTISANAL FABRICATION

To see if the Town will vote to amend the Zoning Bylaw ARTICLE 2 DEFINITIONS for Artisanal Fabrication by increasing or removing the maximum square foot area requirement, or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

ARTICLE 8

**ZONING BYLAW AMENDMENT/RESIDENTIAL DRIVEWAY
AND PARKING ACCOMODATION ZONING CHANGES**

To see if the Town will vote to amend the Zoning Bylaw to address design and construction of new residential driveways and parking accommodations by: amending ARTICLE 8 SECTION 8.07 PARKING IN RESIDENTIAL DISTRICTS to set the maximum allowable grade for driveways accessing below-grade garages for single, two-family, duplex, or three-family dwellings at 15 percent (15%) unless authorized by special permit; amending ARTICLE 8 SECTION 8.07 PARKING IN RESIDENTIAL DISTRICTS to require vegetated buffers; amending ARTICLE 8 SECTION 8.07 PARKING IN RESIDENTIAL DISTRICTS to allow for incentives for surface parking at newly-constructed single, two-family, duplex or three-family dwellings; amending ARTICLE 8 SECTION 8.01 OFF-STREET PARKING REQUIREMENTS to decrease the number of off-street parking spaces required per dwelling unit from two (2) to one (1) for all single, two-family, duplex, or three-family dwellings; amending ARTICLE 6 SECTION 6 TABLE OF DIMENSIONAL AND DENSITY REGULATIONS to consider changes to minimum setbacks; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

ARTICLE 9

ZONING BYLAW AMENDMENT/MEDICAL MARIJUANA TREATMENT CENTER BUFFER ZONE

To see if the Town will vote to amend the Zoning Bylaw to add a section 5.07 establishing a buffer zone for Medical Marijuana Treatment Centers ("MMTC", also known as Registered Marijuana Dispensaries "RMD"); prohibiting siting of such facilities within a radius of five hundred feet of a school, daycare center, or any facility in which children commonly congregate; the 500 foot distance under this section to be measured in a straight line from the nearest point of the facility in question to the nearest point of the proposed MMTC; and further defining for the purposes of this section a "facility in which children commonly congregate" to include: dance schools, gymnastic schools, technical schools, vocational schools, public and private K-12 schools, public libraries, facilities that offer tutoring or after school instruction, licensed daycare facilities (including private home daycare), pediatrics offices, parks that have play structures and athletic fields intended for use by children, accredited Headstart facilities, and commercial establishments that host children's parties; or take any action related thereto.

(Inserted at the request of Karen E. Thomas-Alyea and ten registered voters)

ARTICLE 10

ZONING BYLAW AMENDMENT/R2 to R1 DESIGNATION

To change the Zoning District in the Mount Gilboa Historic District from the current Zoning District of R2 to its former District of R1. The proposed area shall encompass the following streets: 2-133 Crescent Hill Avenue, 2-16 Park Place, 3-115 Westmoreland Avenue and 11-197 Westminster Avenue; or take any action related thereto.

(Inserted at the request of Janice A. Weber and ten registered voters)

The draft language of the proposed amendments to the Zoning Bylaw is available on Friday, February 24, 2017 through Tuesday, March 13, 2017 in the Department of Planning and Community Development on the first floor of the Town Hall Annex, Monday through Wednesday, 8:00 a.m. to 4:00 p.m.; Thursday, 8:00 a.m. to 7:00 p.m.; and Friday, 8:00 a.m. to 12:00 p.m., or viewed and downloaded from the Redevelopment Board webpage of the Town's website at www.arlingtonma.gov.

Andrew Bunnell, Chair
Arlington Redevelopment Board

AA 2/23/17, 3/2/17

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Andrew Bunnell, Chair
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AA 2/23/17, 3/2/17

Zoning Warrant Articles, 2017 Annual Town Meeting

ARTICLE 6

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(Inserted at the request of the Redevelopment Board)

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(Inserted at the request of Janice A. Weber and ten registered voters)

Article 6. Mixed Use in Business and Industrial Zones
Proposed language

Amend ARTICLE 6 Section 6, Table of Dimensional and Density Regulations

SECTION 6.00 - TABLE OF DIMENSIONAL AND DENSITY REGULATIONS (Continued)

Dis- trict	Use	Intensity of Development										Open Space			
		ART. 8, STM 3/85; ART. 11, ATM 4/98										Minimum			
		Lot Requirements, Minimum ^M		Lot Coverage		Fl. Area Ratio		Area per Dwelling Unit,		Minimum Yard, Ft. ^P		Height Maximum		Percent of Gross Floor Area	
		Sq. Ft.	Frontage, Ft.	Maximum Percent	Maximum Percent	Maximum Ratio	Maximum Ratio	Sq. Ft.	Sq. Ft.	Front ^E	Side ^E	Rear ^E	Stories	Feet ^G	Usable
B1	Mixed Use	-	50	.75	NA	2500	NA	20	10	20	10	20	3	35	10%
B2	Mixed Use	-	50	1.50	NA	4-450	NA	-	-	-	-	10+(L/10)	4 ^T	50	10%
B2A	Mixed Use	-	50	1.50	NA	700	NA	0	0	10+(L/10)	5 ^T	60			
B3	Mixed Use	-	50	1.50	NA	600	NA	0	0	(H+L)/6	5 ^T	60			
B4	Mixed Use	-	50	1.50	NA	700	NA	0	0	10+(L/10)	5 ^T	60			
B5	Mixed Use	-	50	1.80	NA	700	NA	0	0	10+(L/10)	5 ^T	60			
I	Mixed Use	-	-	1.50	NA	NA	NA	10J	10J	10J	10J	10J	4 ^T	52	-

^T Upper Story Building Step Backs are required for structural floors over three stories, as required in Section 6.285

ARTICLE 7

ZONING BYLAW AMENDMENT/ DEFINITIONS ARTISANAL FABRICATION

To see if the Town will vote to amend the Zoning Bylaw ARTICLE 2 DEFINITIONS for Artisanal Fabrication by increasing or removing the maximum square foot area requirement; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

Amending Article 2, Definitions, Section 2.01 General with the following text changes:

Artisanal Fabrication:

Production of goods by the use of hand tools or small-scale, light mechanical equipment occurring solely within an enclosed building where such production requires no outdoor operations or storage, ~~and where the production, operations, and storage of materials related to production occupy no more than 5,000 square feet of gross floor area.~~ Typical uses have minimal negative impact on surrounding properties and include, but are not limited to, woodworking and cabinet shops, ceramic studios, jewelry manufacturing and similar types of arts and crafts, production of alcohol, or food processing.

ARTICLE 8

ZONING BYLAW AMENDMENT/RESIDENTIAL DRIVEWAY AND PARKING ACCOMODATION ZONING CHANGES

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amending ARTICLE 8 SECTION 8.07 PARKING IN RESIDENTIAL DISTRICTS to require vegetated buffers

Section 8.07 - Parking in Residential Districts

ART. 70, ATM 3/77

- a. For single, two-family or duplex, and three-family dwellings, off-street parking shall not be permitted in the area between the front lot line and the minimum front yard setback except on a driveway not exceeding twenty (20) feet in width leading to the required parking space(s). Off-street parking is permitted in (1) the side yard and rear yard on a paved driveway, or in the case of a corner lot of less than six thousand (6,000) square feet in the longer of the two front yards up to a maximum of 24 feet in width, or (2) in an attached or detached garage, or (3) within the foundation of a dwelling provided the garaging is specifically designed for that purpose. Any driveway leading to off-street parking on a lot cannot exceed a 15% downward slope, as measured from the farthest point from the front property line, except by Special Permit. A space designed for parking within an existing garage is determined to meet the requirements of an off-street parking space. Side yards used for parking shall have a vegetated buffer when abutting a lot used for residential purposes, to minimize visual impacts.

amending ARTICLE 8 SECTION 8.01 OFF-STREET PARKING REQUIREMENTS to decrease the number of off-street parking spaces required per dwelling unit from two (2) to one (1) for all single, two-family, duplex, or three-family dwellings;

ARTICLE 8 OFF STREET PARKING AND LOADING REGULATIONS

Section 8.01 - Off-Street parking Requirements

TABLE OF OFF-STREET PARKING REGULATIONS

Use	Number of off-street parking spaces per unit
Dwelling, one-, two-, and three-family units.	Two (2) <u>One (1)</u> per dwelling unit.

ARTICLE 9

ZONING BYLAW AMENDMENT/MEDICAL MARIJUANA TREATMENT CENTER BUFFER ZONE

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(Inserted at the request of Karen E. Thomas-Alyea and ten registered voters)

ARTICLE 10

ZONING BYLAW AMENDMENT/R2 TO R1 DESIGNATION

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Town of Arlington
Department of Health and Human Services
Office of the Board of Health
27 Maple Street
Arlington, MA 02476

Tel: (781) 316-3170
Fax: (781) 316-3175

March 9, 2017

Arlington Redevelopment Board
c/o Jennifer Raitt
730 Massachusetts Avenue
Arlington, MA 02476

Dear Members of the Arlington Redevelopment Board,

Thank you for the opportunity to provide written comment on the proposed warrant article related to Medical Marijuana Treatment Center Buffer Zone, Article 9.

The Board of Health met on March 8, 2017 to formally vote to support the newly proposed zoning bylaw amendment put forward by 10 registered voters. The new text proposed is as follows:

"To see if the Town will vote to amend the Zoning Bylaw to add a section 5.07 establishing a buffer zone for Medical Marijuana Treatment Centers (MMTC also known as Registered Marijuana Dispensaries "RMD"); prohibiting siting of such facilities within a radius of five hundred feet of athletic playing fields where organized, permitted events occur, licensed childcare programs, licensed residential care programs and public and private schools, the 500 foot distance under this section is measured in a straight line from the nearest point of the facility in question to the nearest point of the proposed RMD; or take any action related thereto."

As you are aware, Arlington Town Meeting voted to locate Medical Marijuana Treatment Centers in zones B3 and B5 and by doing this, the buffer zone set forth in the state regulations was voided after a decision was issued by the Department of Public Health last summer. It was not the intent of Town Meeting to void the buffer zone nor was it the intent of the voters of Arlington who supported the concept of medical marijuana to not have a buffer zone from areas where children congregate. The proposed warrant article will re-establish the buffer zone and will add clarity by defining specific locations where children commonly congregate.

Please do not hesitate to contact me should you need additional information regarding this matter.

Sincerely,

Christine Bongiorno

Christine Bongiorno
Director of Health and Human Services

Proposed Revised Language from Karen Thomas-Alyea

Submitted 03/10/2017

Warrant Article 9 Amendment

ZONING BYLAW AMENDMENT/MEDICAL MARIJUANA TREATMENT CENTER
BUFFER ZONE

To see if the Town will vote to amend the Zoning Bylaw to add a section 5.07 establishing a buffer zone for Medical Marijuana Treatment Centers (MMTC also known as Registered Marijuana Dispensaries "RMD"); prohibiting siting of such facilities within a radius of five hundred feet of athletic playing fields where organized, permitted events occur, licensed childcare programs, licensed residential care programs and public and private schools, the 500 foot distance under this section is measured in a straight line from the nearest point of the facility in question to the nearest point of the proposed RMD; or take any action related thereto.

Zoning B3 and B5 Districts

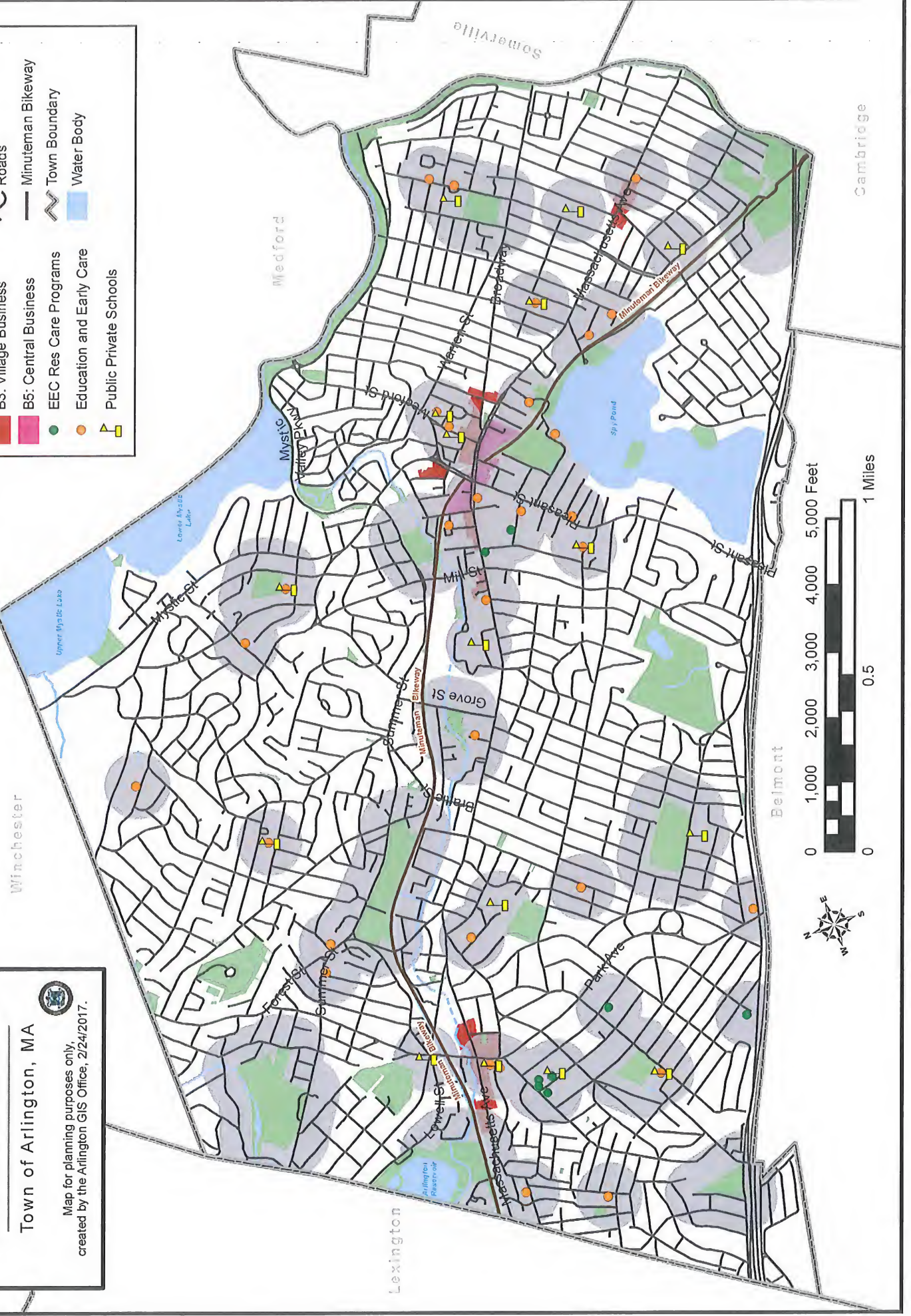
Town of Arlington, MA



Map for planning purposes only,
created by the Arlington GIS Office, 2/24/2017.

LEGEND

- 500 Foot Buffer
- B3: Village Business
- B5: Central Business
- EEC Res Care Programs
- Education and Early Care
- Public Private Schools
- Parks and Open Space
- Roads
- Minuteman Bikeway
- Town Boundary
- Water Body



From: Jenny Raitt <JRaitt@town.arlington.ma.us>
To: <aquinn@town.arlington.ma.us>
Date: 03/09/2017 10:30 PM
Subject: Fwd: ATM Article 8 -- Amendment to Residential Driveways

Please include Liz's email in the package.

Jennifer Raitt
Director, Department of Planning and Community Development
Town of Arlington
730 Massachusetts Avenue
Arlington, MA 02476

Begin forwarded message:

From: Elizabeth Pyle <elizabeth.m.pyle@gmail.com>
Date: March 9, 2017 at 9:25:00 PM EST
To: ABunnell@town.arlington.ma.us,
EBenson@town.arlington.ma.us, KLau@town.arlington.ma.us,
DWatson@town.arlington.ma.us, AWest@town.arlington.ma.us
Cc: Jenny Raitt <JRaitt@town.arlington.ma.us>
Subject: ATM Article 8 -- Amendment to Residential Driveways

Dear Members of the Redevelopment Board,

I am writing in support of ATM Article 8, which proposes amendments to residential driveways.

I am a member of the Residential Study Group that is recommending Article 8, and also a Member of Town Meeting from Precinct 10. I am unable to attend the ARB's meeting on March 13th, and therefore am writing to explain the rationale for the Article.

Article 8 sets a maximum limit of 15% on the grade of downward driveway slopes, as measured from the street to the house. Please note that the Article does not regulate upward slopes, and will have no effect on driveways that rise from the street to match the hilly topography of Arlington Heights.

The primary reason for the Article is that driveways with a downward slope in excess of 15% have been deemed unsafe by all leading engineering authorities. The Arlington Town Engineering Department and the Massachusetts Department of Transportation both recommend that the maximum grade for residential driveways should be 15 percent. The Institute

of Transportation Engineers has concluded that "Driveway grades exceeding 15 percent should be avoided" due to safety concerns. Driveways steeper than 15 percent are unsafe because when a car backs out of such a driveway, the slope causes the rear windshield to be pointed at the sky, with the result that the driver cannot see pedestrians, and especially small children, on the sidewalk. Additionally, when the driveway slope is in excess of 15%, "many vehicles will scrape their bumpers or other low-hanging parts on the driveway, potentially causing damage to the vehicle and driveway or roadway surface." (Cited in "Safe and Efficient Driveway Design"). Finally, many Arlington residents have reported that because of the difficulty of removing ice and snow from a steep driveway, property owners often park their cars on the driveway apron and sidewalk during the winter months, so the cars do not get stuck on the icy slope of the driveway. This has the further impact of blocking the sidewalk, so pedestrians and school children must walk into the street and around snowbanks to avoid the parked cars blocking the sidewalk. Accordingly, it is in the interests of public safety to limit driveway grade to 15%.

Driveway grades greater than 15%, to accommodate the garage-under house design, are unfortunately becoming more common in Arlington. For example, Inspectional Services reported that the houses at 22-28 Mott Street have driveways at a 26% slope, at 79-81 Dorothy Road the driveways are at a 25% slope, and at 53-55 North Union Street the driveways are at a 23% slope.

Other local municipalities with lot sizes and density similar to Arlington also currently regulate driveway slope. For example, Belmont limits driveway slope to 15%, and Lexington limits driveway slope to 12%. The Residential Study Group considered limiting driveway slope to a grade smaller than 15%, such as 10 or 12%, but we found that doing so would push the house too far back on the lot, resulting in uneven front setbacks and too much pavement in the front of the house, especially for two-family structures with extra-wide driveways. We settled on 15% because it complied with public safety goals, and was a better fit with Arlington's existing setbacks and small lots.

A secondary benefit of the Article is that it will also discourage the garage-under house design. The garage-under design is problematic, because the slope of the driveway creates a "pit" in front of the house, often taking up the entire front yard and preventing it from being used as recreational space -- especially in cases where two garage bays are located below the first floor. I have attached a photograph of such a house on Field Road, so you can see the problem. The "pit" in front of the Field Road house is so deep that fences have been installed on either side of the driveway, to prevent people from falling into it. This house design prevents use of the front yard, is not in keeping with Arlington's traditional streetscape, and goes against community concerns raised in Arlington's Master Plan, in which "residents stated they want to maintain Arlington's historic character." (Master Plan, p. 36)

The garage-under house design also leads to houses that have too much massing, and that are out of scale with surrounding homes, because below-grade garages give the visual appearance of an additional story on the home -- especially when there are two garage bays. The Town of Belmont has recognized this massing problem in its Zoning Bylaw. Belmont allows two-car garage openings below the ground floor only by special permit, and only if "the garage does not create the appearance of an additional story, which would then give an overall appearance of the structure exceeding the 2 1/2 story limitation." Belmont Zoning Bylaw, Section 5.1.3.b.

The Special Town Meeting Warrant Article related to the definition of usable open space, which states that "For newly constructed single-, two-family, and duplex dwellings where parking is at the surface level, no horizontal dimension shall be less than 20 feet," is a companion to Article 8 that provides a modest incentive to discourage the garage-under design in newly constructed houses. Taken together, both articles will help to curb the massing and safety problems associated with garage-under houses.

In conclusion, Article 8 would set an appropriate and safe limit on driveway slopes, and I hope that you will favorably recommend the Article.

Please do not hesitate to contact me if you have any questions.

Sincerely yours,

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Attachments: